



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5603

by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Consumer Privacy Act. Provides that a consumer has the right to request that a business that collects the consumer's personal information disclose to that consumer the categories and specific pieces of personal information the business has collected. Requires a business to, at or before the point of collection, inform a consumer as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. Requires the business to provide notice when collecting additional categories of personal information or when using a consumer's personal information for additional purposes. Provides that a consumer has the right to request that a business delete any personal information about the consumer which the business has collected from the consumer, with some exceptions. Requires a business that collects or sells a consumer's personal information to make certain disclosures to the consumer upon receipt of a verifiable consumer request. Provides that a consumer has the right, at any time, to opt out of the sale of his or her personal information to third parties. Prohibits a business from discriminating against a consumer who exercises any of the rights established under the Act by denying goods or services or charging the consumer different prices or rates for goods or services. Permits a business to provide financial incentives to a consumer that authorizes the sale of his or her personal information. Contains provisions concerning deadlines for processing a consumer's disclosure request; categories of personal information that must be disclosed; notice requirements; consumer information that is not subject to the Act's requirements; civil penalties for violations of the Act; and other matters. Amends the State Finance Act. Creates the Consumer Privacy Fund.

LRB101 16183 KTG 65553 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Consumer Privacy Act.

6 Section 5. Definitions. As used in this Act:

7 (a) "Aggregate consumer information" means information  
8 that relates to a group or category of consumers, from which  
9 individual consumer identities have been removed, that is not  
10 linked or reasonably linkable to any consumer or household,  
11 including via a device. "Aggregate consumer information" does  
12 not mean one or more individual consumer records that have been  
13 deidentified.

14 (b) "Biometric information" means an individual's  
15 physiological, biological, or behavioral characteristics,  
16 including an individual's deoxyribonucleic acid, that can be  
17 used, singly or in combination with each other or with other  
18 identifying data, to establish individual identity. "Biometric  
19 information" includes, but is not limited to, imagery of the  
20 iris, retina, fingerprint, face, hand, palm, vein patterns, and  
21 voice recordings, from which an identifier template, such as a  
22 faceprint, a minutiae template, or a voiceprint, can be  
23 extracted, and keystroke patterns or rhythms, gait patterns or

1 rhythms, and sleep, health, or exercise data that contain  
2 identifying information.

3 (c) "Business" means:

4 (1) A sole proprietorship, partnership, limited  
5 liability company, corporation, association, or other  
6 legal entity that is organized or operated for the profit  
7 or financial benefit of its shareholders or other owners,  
8 that collects consumers' personal information, or on  
9 behalf of which such information is collected and that  
10 alone, or jointly with others, determines the purposes and  
11 means of the processing of consumers' personal  
12 information, that does business in this State, and that  
13 satisfies one or more of the following thresholds:

14 (A) Has annual gross revenues in excess of  
15 \$25,000,000, as adjusted in accordance with paragraph  
16 (5) of subsection (a) of Section 80.

17 (B) Alone or in combination, annually buys,  
18 receives for the business's commercial purposes,  
19 sells, or shares for commercial purposes, alone or in  
20 combination, the personal information of 50,000 or  
21 more consumers, households, or devices.

22 (C) Derives 50% or more of its annual revenues from  
23 selling consumers' personal information.

24 (2) Any entity that controls or is controlled by a  
25 business, as defined in paragraph (1), and that shares  
26 common branding with the business. "Control" or

1 "controlled" means ownership of, or the power to vote, more  
2 than 50% of the outstanding shares of any class of voting  
3 security of a business; control in any manner over the  
4 election of a majority of the directors, or of individuals  
5 exercising similar functions; or the power to exercise a  
6 controlling influence over the management of a company.

7 "Common branding" means a shared name, servicemark, or  
8 trademark.

9 (d) "Business purpose" means the use of personal  
10 information for the business's or a service provider's  
11 operational purposes, or other notified purposes, provided  
12 that the use of personal information is reasonably necessary  
13 and proportionate to achieve the operational purpose for which  
14 the personal information was collected or processed or for  
15 another operational purpose that is compatible with the context  
16 in which the personal information was collected. Business  
17 purposes are:

18 (1) Auditing related to a current interaction with the  
19 consumer and concurrent transactions, including, but not  
20 limited to, counting ad impressions to unique visitors,  
21 verifying positioning and quality of ad impressions, and  
22 auditing compliance with this specification and other  
23 standards.

24 (2) Detecting security incidents, protecting against  
25 malicious, deceptive, fraudulent, or illegal activity, and  
26 prosecuting those responsible for that activity.

1           (3) Debugging to identify and repair errors that impair  
2 existing intended functionality.

3           (4) Short-term, transient use, provided the personal  
4 information that is not disclosed to another third party  
5 and is not used to build a profile about a consumer or  
6 otherwise alter an individual consumer's experience  
7 outside the current interaction, including, but not  
8 limited to, the contextual customization of ads shown as  
9 part of the same interaction.

10          (5) Performing services on behalf of the business or  
11 service provider, including maintaining or servicing  
12 accounts, providing customer service, processing or  
13 fulfilling orders and transactions, verifying customer  
14 information, processing payments, providing financing,  
15 providing advertising or marketing services, providing  
16 analytic services, or providing similar services on behalf  
17 of the business or service provider.

18          (6) Undertaking internal research for technological  
19 development and demonstration.

20          (7) Undertaking activities to verify or maintain the  
21 quality or safety of a service or device that is owned,  
22 manufactured, manufactured for, or controlled by the  
23 business, and to improve, upgrade, or enhance the service  
24 or device that is owned, manufactured, manufactured for, or  
25 controlled by the business.

26          (e) "Collects", "collected", or "collection" means buying,

1 renting, gathering, obtaining, receiving, or accessing any  
2 personal information pertaining to a consumer by any means.  
3 This includes receiving information from the consumer, either  
4 actively or passively, or by observing the consumer's behavior.

5 (f) "Commercial purposes" means to advance a person's  
6 commercial or economic interests, such as by inducing another  
7 person to buy, rent, lease, join, subscribe to, provide, or  
8 exchange products, goods, property, information, or services,  
9 or enabling or effecting, directly or indirectly, a commercial  
10 transaction. "Commercial purposes" do not include for the  
11 purpose of engaging in speech that State or federal courts have  
12 recognized as noncommercial speech, including political speech  
13 and journalism.

14 (g) "Consumer" means a natural person who is an Illinois  
15 resident, as defined in Section 5 of the Hospital Uninsured  
16 Patient Discount Act, however identified, including by any  
17 unique identifier.

18 (h) "Deidentified" means information that cannot  
19 reasonably identify, relate to, describe, be capable of being  
20 associated with, or be linked, directly or indirectly, to a  
21 particular consumer, provided that a business that uses  
22 deidentified information:

23 (1) Has implemented technical safeguards that prohibit  
24 reidentification of the consumer to whom the information  
25 may pertain.

26 (2) Has implemented business processes that

1 specifically prohibit reidentification of the information.

2 (3) Has implemented business processes to prevent  
3 inadvertent release of deidentified information.

4 (4) Makes no attempt to reidentify the information.

5 (i) "Designated methods for submitting requests" means a  
6 mailing address, email address, Internet web page, Internet web  
7 portal, toll-free telephone number, or other applicable  
8 contact information whereby consumers may submit a request or  
9 direction under this Act, and any new, consumer-friendly means  
10 of contacting a business, as approved by the Attorney General  
11 under Section 80.

12 (j) "Device" means any physical object that is capable of  
13 connecting to the Internet, directly or indirectly, or to  
14 another device.

15 (k) "Health insurance information" means a consumer's  
16 insurance policy number or subscriber identification number,  
17 any unique identifier used by a health insurer to identify the  
18 consumer, or any information in the consumer's application and  
19 claims history, including any appeals records, if the  
20 information is linked or reasonably linkable to a consumer or  
21 household, including via a device, by a business or service  
22 provider.

23 (l) "Homepage" means the introductory page of a website and  
24 any Internet web page where personal information is collected.  
25 In the case of an online service, such as a mobile application,  
26 "homepage" means the application's platform page or download

1 page, a link within the application, such as from the  
2 application configuration, "About", "Information", or settings  
3 page, and any other location that allows consumers to review  
4 the notice required by subsection (a) of Section 50, including,  
5 but not limited to, before downloading the application.

6 (m) "Infer" or "inference" means the derivation of  
7 information, data, assumptions, or conclusions from facts,  
8 evidence, or another source of information or data.

9 (n) "Person" means an individual, proprietorship, firm,  
10 partnership, joint venture, syndicate, business trust,  
11 company, corporation, limited liability company, association,  
12 committee, and any other organization or group of persons  
13 acting in concert.

14 (o) (1) "Personal information" means information that  
15 identifies, relates to, describes, is capable of being  
16 associated with, or could reasonably be linked, directly or  
17 indirectly, with a particular consumer or household. "Personal  
18 information" includes, but is not limited to, the following if  
19 it identifies, relates to, describes, is capable of being  
20 associated with, or could be reasonably linked, directly or  
21 indirectly, with a particular consumer or household:

22 (A) Identifiers such as a real name, alias, postal  
23 address, unique personal identifier, online identifier,  
24 Internet Protocol address, email address, account name,  
25 social security number, driver's license number, passport  
26 number, or other similar identifiers.

1 (B) Any personal information that identifies, relates  
2 to, describes, or is capable of being associated with, a  
3 particular individual, including, but not limited to, his  
4 or her name, signature, social security number, physical  
5 characteristics or description, address, telephone number,  
6 passport number, driver's license or State identification  
7 card number, insurance policy number, education,  
8 employment, employment history, bank account number,  
9 credit card number, debit card number, or any other  
10 financial information, medical information, or health  
11 insurance information. "Personal information" does not  
12 include publicly available information that is lawfully  
13 made available to the general public from federal, State,  
14 or local government records.

15 (C) Characteristics of protected classifications under  
16 State or federal law.

17 (D) Commercial information, including records of  
18 personal property, products or services purchased,  
19 obtained, or considered, or other purchasing or consuming  
20 histories or tendencies.

21 (E) Biometric information.

22 (F) Internet or other electronic network activity  
23 information, including, but not limited to, browsing  
24 history, search history, and information regarding a  
25 consumer's interaction with an Internet website,  
26 application, or advertisement.

1 (G) Geolocation data.

2 (H) Audio, electronic, visual, thermal, olfactory, or  
3 similar information.

4 (I) Professional or employment-related information.

5 (J) Education information, defined as information that  
6 is not publicly available personally identifiable  
7 information as defined in the Family Educational Rights and  
8 Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99).

9 (K) Inferences drawn from any of the information  
10 identified in this subsection to create a profile about a  
11 consumer reflecting the consumer's preferences,  
12 characteristics, psychological trends, predispositions,  
13 behavior, attitudes, intelligence, abilities, and  
14 aptitudes.

15 (2) "Personal information" does not include publicly  
16 available information. For purposes of this subsection,  
17 "publicly available" means information that is lawfully made  
18 available from federal, State, or local government records, if  
19 any conditions associated with such information. "Publicly  
20 available" does not mean biometric information collected by a  
21 business about a consumer without the consumer's knowledge.  
22 Information is not publicly available if that data is used for  
23 a purpose that is not compatible with the purpose for which the  
24 data is maintained and made available in the government records  
25 or for which it is publicly maintained. "Publicly available"  
26 does not include consumer information that is deidentified or

1 aggregate consumer information.

2 (p) "Probabilistic identifier" means the identification of  
3 a consumer or a device to a degree of certainty of more  
4 probable than not based on any categories of personal  
5 information included in, or similar to, the categories  
6 enumerated in the definition of personal information.

7 (q) "Processing" means any operation or set of operations  
8 that are performed on personal data or on sets of personal  
9 data, whether or not by automated means.

10 (r) "Pseudonymize" or "pseudonymization" means the  
11 processing of personal information in a manner that renders the  
12 personal information no longer attributable to a specific  
13 consumer without the use of additional information, provided  
14 that the additional information is kept separately and is  
15 subject to technical and organizational measures to ensure that  
16 the personal information is not attributed to an identified or  
17 identifiable consumer.

18 (s) "Research" means scientific, systematic study and  
19 observation, including basic research or applied research that  
20 is in the public interest and that adheres to all other  
21 applicable ethics and privacy laws or studies conducted in the  
22 public interest in the area of public health. Research with  
23 personal information that may have been collected from a  
24 consumer in the course of the consumer's interactions with a  
25 business's service or device for other purposes:

26 (1) Shall be compatible with the business purpose for

1 which the personal information was collected.

2 (2) Shall be subsequently pseudonymized and  
3 deidentified, or deidentified and in the aggregate, such  
4 that the information cannot reasonably identify, relate  
5 to, describe, be capable of being associated with, or be  
6 linked, directly or indirectly, to a particular consumer.

7 (3) Shall be made subject to technical safeguards that  
8 prohibit reidentification of the consumer to whom the  
9 information may pertain.

10 (4) Shall be subject to business processes that  
11 specifically prohibit reidentification of the information.

12 (5) Shall be made subject to business processes to  
13 prevent inadvertent release of deidentified information.

14 (6) Shall be protected from any reidentification  
15 attempts.

16 (7) Shall be used solely for research purposes that are  
17 compatible with the context in which the personal  
18 information was collected.

19 (8) Shall not be used for any commercial purpose.

20 (9) Shall be subjected by the business conducting the  
21 research to additional security controls that limit access  
22 to the research data to only those individuals in a  
23 business as are necessary to carry out the research  
24 purpose.

25 (t)(1) "Sell", "selling", "sale", or "sold" means selling,  
26 renting, releasing, disclosing, disseminating, making

1 available, transferring, or otherwise communicating orally, in  
2 writing, or by electronic or other means, a consumer's personal  
3 information by the business to another business or a third  
4 party for monetary or other valuable consideration.

5 (2) For purposes of this Act, a business does not sell  
6 personal information when:

7 (A) A consumer uses or directs the business to  
8 intentionally disclose personal information or uses the  
9 business to intentionally interact with a third party,  
10 provided the third party does not also sell the personal  
11 information, unless that disclosure would be consistent  
12 with the provisions of this Act. An intentional interaction  
13 occurs when the consumer intends to interact with the third  
14 party, via one or more deliberate interactions. Hovering  
15 over, muting, pausing, or closing a given piece of content  
16 does not constitute a consumer's intent to interact with a  
17 third party.

18 (B) The business uses or shares an identifier for a  
19 consumer who has opted out of the sale of the consumer's  
20 personal information for the purposes of alerting third  
21 parties that the consumer has opted out of the sale of the  
22 consumer's personal information.

23 (C) The business uses or shares with a service provider  
24 personal information of a consumer that is necessary to  
25 perform a business purpose if both of the following  
26 conditions are met:

1           (i) The business has provided notice that  
2 information being used or shared in its terms and  
3 conditions consistent with Section 45.

4           (ii) The service provider does not further  
5 collect, sell, or use the personal information of the  
6 consumer except as necessary to perform the business  
7 purpose.

8           (D) The business transfers to a third party the  
9 personal information of a consumer as an asset that is part  
10 of a merger, acquisition, bankruptcy, or other transaction  
11 in which the third party assumes control of all or part of  
12 the business, provided that information is used or shared  
13 consistently with Sections 20 and 25. If a third party  
14 materially alters how it uses or shares the personal  
15 information of a consumer in a manner that is materially  
16 inconsistent with the promises made at the time of  
17 collection, it shall provide prior notice of the new or  
18 changed practice to the consumer. The notice shall be  
19 sufficiently prominent and robust to ensure that existing  
20 consumers can easily exercise their choices consistently  
21 with Section 30. This subparagraph does not authorize a  
22 business to make material, retroactive privacy policy  
23 changes or make other changes in their privacy policy in a  
24 manner that would violate the Uniform Deceptive Trade  
25 Practices Act.

26           (u) "Service" or "services" means work, labor, and

1 services, including services furnished in connection with the  
2 sale or repair of goods.

3 (v) "Service provider" means a sole proprietorship,  
4 partnership, limited liability company, corporation,  
5 association, or other legal entity that is organized or  
6 operated for the profit or financial benefit of its  
7 shareholders or other owners, that processes information on  
8 behalf of a business and to which the business discloses a  
9 consumer's personal information for a business purpose in  
10 accordance with a written contract, provided that the contract  
11 prohibits the entity receiving the information from retaining,  
12 using, or disclosing the personal information for any purpose  
13 other than for the specific purpose of performing the services  
14 specified in the contract for the business, or as otherwise  
15 permitted by this Act, including retaining, using, or  
16 disclosing the personal information for a commercial purpose  
17 other than providing the services specified in the contract  
18 with the business.

19 (w) "Third party" means a person who is not any of the  
20 following:

21 (1) The business that collects personal information  
22 from consumers under this Act.

23 (2) (A) A person to whom the business discloses a  
24 consumer's personal information for a business purpose in  
25 accordance with a written contract, provided that the  
26 contract:

1 (i) Prohibits the person receiving the personal  
2 information from:

3 (I) Selling the personal information.

4 (II) Retaining, using, or disclosing the  
5 personal information for any purpose other than  
6 for the specific purpose of performing the  
7 services specified in the contract, including  
8 retaining, using, or disclosing the personal  
9 information for a commercial purpose other than  
10 providing the services specified in the contract.

11 (III) Retaining, using, or disclosing the  
12 information outside of the direct business  
13 relationship between the person and the business.

14 (ii) Includes a certification made by the person  
15 receiving the personal information that the person  
16 understands the restrictions in subparagraph (A) and  
17 will comply with them.

18 (B) A person covered by this paragraph who violates any  
19 of the restrictions set forth in this Act shall be liable  
20 for the violations. A business that discloses personal  
21 information to a person covered by this paragraph in  
22 compliance with this paragraph shall not be liable under  
23 this Act if the person receiving the personal information  
24 uses it in violation of the restrictions set forth in this  
25 Act, provided that, at the time of disclosing the personal  
26 information, the business does not have actual knowledge,

1 or reason to believe, that the person intends to commit  
2 such a violation.

3 (x) "Unique identifier" or "unique personal identifier"  
4 means a persistent identifier that can be used to recognize a  
5 consumer, a family, or a device that is linked to a consumer or  
6 family, over time and across different services, including, but  
7 not limited to, a device identifier; an Internet Protocol  
8 address; cookies, beacons, pixel tags, mobile ad identifiers,  
9 or similar technology; customer number, unique pseudonym, or  
10 user alias; telephone numbers, or other forms of persistent or  
11 probabilistic identifiers that can be used to identify a  
12 particular consumer or device. As used in this subsection,  
13 "family" means a custodial parent or guardian and any minor  
14 children over which the parent or guardian has custody.

15 (y) "Verifiable consumer request" means a request that is  
16 made by a consumer, by a consumer on behalf of the consumer's  
17 minor child, or by a natural person or a person registered with  
18 the Secretary of State, authorized by the consumer to act on  
19 the consumer's behalf, and that the business can reasonably  
20 verify, in accordance with regulations adopted by the Attorney  
21 General under paragraph (7) of subsection (a) of Section 80 to  
22 be the consumer about whom the business has collected personal  
23 information. A business is not obligated to provide information  
24 to the consumer in accordance with Sections 20 and 25 if the  
25 business cannot verify, in accordance with this subsection and  
26 regulations adopted by the Attorney General under paragraph (7)

1 of subsection (a) of Section 80, that the consumer making the  
2 request is the consumer about whom the business has collected  
3 information or is a person authorized by the consumer to act on  
4 such consumer's behalf.

5 Section 10. Personal information; business collection and  
6 disclosure.

7 (a) A consumer has the right to request that a business  
8 that collects the consumer's personal information disclose to  
9 that consumer the categories and specific pieces of personal  
10 information the business has collected.

11 (b) A business that collects a consumer's personal  
12 information shall, at or before the point of collection, inform  
13 the consumer as to the categories of personal information to be  
14 collected and the purposes for which the categories of personal  
15 information shall be used. A business shall not collect  
16 additional categories of personal information or use personal  
17 information collected for additional purposes without  
18 providing the consumer with notice consistent with this  
19 Section.

20 (c) A business shall provide the information specified in  
21 subsection (a) to a consumer only upon receipt of a verifiable  
22 consumer request.

23 (d) A business that receives a verifiable consumer request  
24 from a consumer to access personal information shall promptly  
25 take steps to disclose and deliver, free of charge to the

1 consumer, the personal information required by this Section.  
2 The information may be delivered by mail or electronically, and  
3 if provided electronically, the information shall be in a  
4 portable and, to the extent technically feasible, in a readily  
5 usable format that allows the consumer to transmit this  
6 information to another entity without hindrance. A business may  
7 provide personal information to a consumer at any time, but  
8 shall not be required to provide personal information to a  
9 consumer more than twice in a 12-month period.

10 (e) This Section does not require a business to retain any  
11 personal information collected for a single, one-time  
12 transaction, if such information is not sold or retained by the  
13 business or to reidentify or otherwise link information that is  
14 not maintained in a manner that would be considered personal  
15 information.

16 Section 15. Consumer request to delete personal  
17 information.

18 (a) A consumer has the right to request that a business  
19 delete any personal information about the consumer which the  
20 business has collected from the consumer.

21 (b) A business that collects personal information about  
22 consumers shall disclose, in accordance with Section 40, the  
23 consumer's rights to request the deletion of the consumer's  
24 personal information.

25 (c) A business that receives a verifiable consumer request

1 from a consumer to delete the consumer's personal information  
2 in accordance with subsection (a) shall delete the consumer's  
3 personal information from its records and direct any service  
4 providers to delete the consumer's personal information from  
5 their records.

6 (d) A business or a service provider shall not be required  
7 to comply with a consumer's request to delete the consumer's  
8 personal information if it is necessary for the business or  
9 service provider to maintain the consumer's personal  
10 information in order to:

11 (1) Complete the transaction for which the personal  
12 information was collected; provide a good or service  
13 requested by the consumer or reasonably anticipated within  
14 the context of a business's ongoing business relationship  
15 with the consumer; or otherwise perform a contract between  
16 the business and the consumer.

17 (2) Detect security incidents; protect against  
18 malicious, deceptive, fraudulent, or illegal activity; or  
19 prosecute those responsible for that activity.

20 (3) Debug to identify and repair errors that impair  
21 existing intended functionality.

22 (4) Exercise free speech, ensure the right of another  
23 consumer to exercise his or her right of free speech, or  
24 exercise another right provided for by law.

25 (5) Comply with the Citizen Privacy Protection Act.

26 (6) Engage in public or peer-reviewed scientific,

1 historical, or statistical research in the public interest  
2 that adheres to all other applicable ethics and privacy  
3 laws, when the businesses' deletion of the information is  
4 likely to render impossible or seriously impair the  
5 achievement of such research, if the consumer has provided  
6 informed consent.

7 (7) Enable solely internal uses that are reasonably  
8 aligned with the expectations of the consumer based on the  
9 consumer's relationship with the business.

10 (8) Comply with a legal obligation.

11 (9) Otherwise use the consumer's personal information,  
12 internally, in a lawful manner that is compatible with the  
13 context in which the consumer provided the information.

14 Section 20. Consumer request to disclose categories of  
15 information collected.

16 (a) A consumer has the right to request that a business  
17 that collects personal information about the consumer disclose  
18 to the consumer the following:

19 (1) The categories of personal information it has  
20 collected about that consumer.

21 (2) The categories of sources from which the personal  
22 information is collected.

23 (3) The business or commercial purpose for collecting  
24 or selling personal information.

25 (4) The categories of third parties with whom the

1 business shares personal information.

2 (5) The specific pieces of personal information it has  
3 collected about that consumer.

4 (b) A business that collects personal information about a  
5 consumer shall disclose to the consumer, in accordance with  
6 paragraph (3) of subsection (a) of Section 40, the information  
7 specified in subsection (a) upon receipt of a verifiable  
8 consumer request from the consumer.

9 (c) A business that collects personal information about  
10 consumers shall disclose, in accordance with subparagraph (B)  
11 of paragraph (5) of subsection (a) of Section 40:

12 (1) The categories of personal information it has  
13 collected about that consumer.

14 (2) The categories of sources from which the personal  
15 information is collected.

16 (3) The business or commercial purpose for collecting  
17 or selling personal information.

18 (4) The categories of third parties with whom the  
19 business shares personal information.

20 (5) The specific pieces of personal information the  
21 business has collected about that consumer.

22 (d) This Section does not require a business to do the  
23 following:

24 (1) Retain any personal information about a consumer  
25 collected for a single one-time transaction if, in the  
26 ordinary course of business, that information about the

1 consumer is not retained.

2 (2) Reidentify or otherwise link any data that, in the  
3 ordinary course of business, is not maintained in a manner  
4 that would be considered personal information.

5 Section 25. Consumer request to disclose categories of  
6 information sold.

7 (a) A consumer has the right to request that a business  
8 that sells the consumer's personal information, or that  
9 discloses it for a business purpose, disclose to that consumer:

10 (1) The categories of personal information that the  
11 business collected about the consumer.

12 (2) The categories of personal information that the  
13 business sold about the consumer and the categories of  
14 third parties to whom the personal information was sold, by  
15 category or categories of personal information for each  
16 third party to whom the personal information was sold.

17 (3) The categories of personal information that the  
18 business disclosed about the consumer for a business  
19 purpose.

20 (b) A business that sells personal information about a  
21 consumer, or that discloses a consumer's personal information  
22 for a business purpose, shall disclose, in accordance with  
23 paragraph (4) of subsection (a) of Section 40, the information  
24 specified in subsection (a) to the consumer upon receipt of a  
25 verifiable consumer request from the consumer.

1 (c) A business that sells consumers' personal information,  
2 or that discloses consumers' personal information for a  
3 business purpose, shall disclose, in accordance with  
4 subparagraph (C) of paragraph (5) of subsection (a) of Section  
5 40:

6 (1) The category or categories of personal information  
7 it has sold, or if the business has not sold consumers'  
8 personal information, it shall disclose that fact.

9 (2) The category or categories of personal information  
10 it has disclosed for a business purpose, or if the business  
11 has not disclosed consumers' personal information for a  
12 business purpose, it shall disclose that fact.

13 (d) A third party shall not sell personal information about  
14 a consumer that has been sold to the third party by a business  
15 unless the consumer has received explicit notice and is  
16 provided an opportunity to exercise the right to opt out under  
17 Section 30.

18 Section 30. Right to opt out.

19 (a) A consumer has the right, at any time, to direct a  
20 business that sells personal information about the consumer to  
21 third parties not to sell the consumer's personal information.  
22 This right may be referred to as the right to opt out.

23 (b) A business that sells consumers' personal information  
24 to third parties shall provide notice to consumers, in  
25 accordance with subsection (a) of Section 45, that this

1 information may be sold and that consumers have the right to  
2 opt out of the sale of their personal information.

3 (c) Notwithstanding subsection (a), a business shall not  
4 sell the personal information of consumers if the business has  
5 actual knowledge that the consumer is less than 16 years of  
6 age, unless the consumer, in the case of consumers between 13  
7 and 16 years of age, or the consumer's parent or guardian, in  
8 the case of consumers who are less than 13 years of age, has  
9 affirmatively authorized the sale of the consumer's personal  
10 information. A business that willfully disregards the  
11 consumer's age shall be deemed to have had actual knowledge of  
12 the consumer's age. This right may be referred to as the right  
13 to opt in.

14 (d) A business that has received direction from a consumer  
15 not to sell the consumer's personal information, or in the case  
16 of a minor consumer's personal information has not received  
17 consent to sell the minor consumer's personal information,  
18 shall be prohibited, in accordance with paragraph (4) of  
19 subsection (a) of Section 45, from selling the consumer's  
20 personal information after its receipt of the consumer's  
21 direction, unless the consumer subsequently provides express  
22 authorization for the sale of the consumer's personal  
23 information.

24 Section 35. Prohibited practices.

25 (a) (1) A business shall not discriminate against a consumer

1 because the consumer exercised any of the consumer's rights  
2 under this Act, including, but not limited to, by:

3 (A) Denying goods or services to the consumer.

4 (B) Charging different prices or rates for goods or  
5 services, including through the use of discounts or other  
6 benefits or imposing penalties.

7 (C) Providing a different level or quality of goods or  
8 services to the consumer.

9 (D) Suggesting that the consumer will receive a  
10 different price or rate for goods or services or a  
11 different level or quality of goods or services.

12 (2) Nothing in this subsection prohibits a business from  
13 charging a consumer a different price or rate, or from  
14 providing a different level or quality of goods or services to  
15 the consumer, if that difference is reasonably related to the  
16 value provided to the consumer by the consumer's data.

17 (b)(1) A business may offer financial incentives,  
18 including payments to consumers as compensation, for the  
19 collection of personal information, the sale of personal  
20 information, or the deletion of personal information. A  
21 business may also offer a different price, rate, level, or  
22 quality of goods or services to the consumer if that price or  
23 difference is directly related to the value provided to the  
24 consumer by the consumer's data.

25 (2) A business that offers any financial incentives in  
26 accordance with this subsection, shall notify consumers of the

1 financial incentives as provided under Section 45.

2 (3) A business may enter a consumer into a financial  
3 incentive program only if the consumer gives the business prior  
4 opt-in consent in accordance with Section 45 which clearly  
5 describes the material terms of the financial incentive program  
6 and which may be revoked by the consumer at any time.

7 (4) A business shall not use financial incentive practices  
8 that are unjust, unreasonable, coercive, or usurious in nature.

9 Section 40. Processing disclosure requests; deadlines.

10 (a) In order to comply with Sections 10, 15, 20, 25, and  
11 35, a business shall, in a form that is reasonably accessible  
12 to consumers:

13 (1) Make available to consumers 2 or more designated  
14 methods for submitting requests for information required  
15 to be disclosed under Sections 20 and 25, including, at a  
16 minimum, a toll-free telephone number, and if the business  
17 maintains a website, a website address.

18 (2) Disclose and deliver the required information to a  
19 consumer free of charge within 45 days of receiving a  
20 verifiable consumer request from the consumer. The  
21 business shall promptly take steps to determine whether the  
22 request is a verifiable consumer request, but this shall  
23 not extend the business's duty to disclose and deliver the  
24 information within 45 days of receipt of the consumer's  
25 request. The time period to provide the required

1 information may be extended once by an additional 45 days  
2 when reasonably necessary, provided the consumer is  
3 provided notice of the extension within the first 45-day  
4 period. The disclosure shall cover the 12-month period  
5 preceding the business's receipt of the verifiable  
6 consumer request and shall be made in writing and delivered  
7 through the consumer's account with the business, if the  
8 consumer maintains an account with the business, or by mail  
9 or electronically at the consumer's option if the consumer  
10 does not maintain an account with the business, in a  
11 readily usable format that allows the consumer to transmit  
12 this information from one entity to another entity without  
13 hindrance. The business shall not require the consumer to  
14 create an account with the business in order to make a  
15 verifiable consumer request.

16 (3) For purposes of subsection (b) of Section 20:

17 (A) To identify the consumer, associate the  
18 information provided by the consumer in the verifiable  
19 consumer request to any personal information  
20 previously collected by the business about the  
21 consumer.

22 (B) Identify by category or categories the  
23 personal information collected about the consumer in  
24 the preceding 12 months by reference to the enumerated  
25 category or categories in subsection (c) that most  
26 closely describes the personal information collected.

1 (4) For purposes of subsection (b) of Section 25:

2 (A) Identify the consumer and associate the  
3 information provided by the consumer in the verifiable  
4 consumer request to any personal information  
5 previously collected by the business about the  
6 consumer.

7 (B) Identify by category or categories the  
8 personal information of the consumer that the business  
9 sold in the preceding 12 months by reference to the  
10 enumerated category in subsection (c) that most  
11 closely describes the personal information, and  
12 provide the categories of third parties to whom the  
13 consumer's personal information was sold in the  
14 preceding 12 months by reference to the enumerated  
15 category or categories in subsection (c) that most  
16 closely describes the personal information sold. The  
17 business shall disclose the information in a list that  
18 is separate from a list generated for the purposes of  
19 subparagraph (C).

20 (C) Identify by category or categories the  
21 personal information of the consumer that the business  
22 disclosed for a business purpose in the preceding 12  
23 months by reference to the enumerated category or  
24 categories in subsection (c) that most closely  
25 describes the personal information, and provide the  
26 categories of third parties to whom the consumer's

1 personal information was disclosed for a business  
2 purpose in the preceding 12 months by reference to the  
3 enumerated category or categories in subsection (c)  
4 that most closely describes the personal information  
5 disclosed. The business shall disclose the information  
6 in a list that is separate from a list generated for  
7 the purposes of subparagraph (B).

8 (5) Disclose the following information in its online  
9 privacy policy or policies if the business has an online  
10 privacy policy or policies and in any Illinois-specific  
11 description of consumers' privacy rights, or if the  
12 business does not maintain those policies, on its website,  
13 and update that information at least once every 12 months:

14 (A) A description of a consumer's rights under  
15 Sections 20, 25, and 35 and one or more designated  
16 methods for submitting requests.

17 (B) For purposes of subsection (c) of Section 20, a  
18 list of the categories of personal information it has  
19 collected about consumers in the preceding 12 months by  
20 reference to the enumerated category or categories in  
21 subsection (c) that most closely describe the personal  
22 information collected.

23 (C) For purposes of paragraphs (1) and (2) of  
24 subsection (c) of Section 25, 2 separate lists:

25 (i) A list of the categories of personal  
26 information it has sold about consumers in the

1 preceding 12 months by reference to the enumerated  
2 category or categories in subsection (c) of this  
3 Section that most closely describe the personal  
4 information sold, or if the business has not sold  
5 consumers' personal information in the preceding  
6 12 months, the business shall disclose that fact.

7 (ii) A list of the categories of personal  
8 information it has disclosed about consumers for a  
9 business purpose in the preceding 12 months by  
10 reference to the enumerated category or categories  
11 in subsection (c) that most closely describe the  
12 personal information disclosed, or if the business  
13 has not disclosed consumers' personal information  
14 for a business purpose in the preceding 12 months,  
15 the business shall disclose that fact.

16 (6) Ensure that all individuals responsible for  
17 handling consumer inquiries about the business's privacy  
18 practices or the business's compliance with this Act are  
19 informed of all requirements under Sections 20, 25, and 35,  
20 and the requirements under this Section, and how to direct  
21 consumers to exercise their rights under Sections 20, 25,  
22 and 35 and under this Section.

23 (7) Use any personal information collected from the  
24 consumer in connection with the business's verification of  
25 the consumer's request solely for the purposes of  
26 verification.

1 (b) A business is not obligated to provide the information  
2 required under Sections 20 and 25 to the same consumer more  
3 than twice in a 12-month period.

4 (c) The categories of personal information required to be  
5 disclosed under Sections 20 and 25 shall follow the definition  
6 of personal information in Section 5.

7 Section 45. Informational web page.

8 (a) A business that is required to comply with Section 30  
9 shall, in a form that is reasonably accessible to consumers:

10 (1) Provide a clear and conspicuous link on the  
11 business's Internet homepage, titled "Do Not Sell My  
12 Personal Information", to an Internet web page that enables  
13 a consumer, or a person authorized by the consumer, to opt  
14 out of the sale of the consumer's personal information. A  
15 business shall not require a consumer to create an account  
16 in order to direct the business not to sell the consumer's  
17 personal information.

18 (2) Include a description of a consumer's rights in  
19 accordance with Section 30, along with a separate link to  
20 the "Do Not Sell My Personal Information" Internet web page  
21 in:

22 (A) Its online privacy policy or policies if the  
23 business has an online privacy policy or policies.

24 (B) Any Illinois-specific description of  
25 consumers' privacy rights.

1           (3) Ensure that all individuals responsible for  
2 handling consumer inquiries about the business's privacy  
3 practices or the business's compliance with this Act are  
4 informed of all requirements under Section 30 and this  
5 Section and how to direct consumers to exercise their  
6 rights under Section 30 and this Section.

7           (4) For consumers who exercise their right to opt out  
8 of the sale of their personal information, refrain from  
9 selling personal information collected by the business  
10 about the consumer.

11           (5) For a consumer who has opted out of the sale of the  
12 consumer's personal information, respect the consumer's  
13 decision to opt out for at least 12 months before  
14 requesting that the consumer authorize the sale of the  
15 consumer's personal information.

16           (6) Use any personal information collected from the  
17 consumer in connection with the submission of the  
18 consumer's opt-out request solely for the purposes of  
19 complying with the opt-out request.

20           (b) Nothing in this Act shall be construed to require a  
21 business to comply with this Act by including the required  
22 links and text on the homepage that the business makes  
23 available to the public generally, if the business maintains a  
24 separate and additional homepage that is dedicated to Illinois  
25 consumers and that includes the required links and text, and  
26 the business takes reasonable steps to ensure that Illinois

1 consumers are directed to the homepage for Illinois consumers  
2 and not the homepage made available to the public generally.

3 (c) A consumer may authorize another person solely to opt  
4 out of the sale of the consumer's personal information on the  
5 consumer's behalf, and a business shall comply with an opt-out  
6 request received from a person authorized by the consumer to  
7 act on the consumer's behalf, in accordance with regulations  
8 adopted by the Attorney General.

9 Section 50. Compliance with other laws or regulations.

10 (a) The obligations imposed on businesses by this Act shall  
11 not restrict a business's ability to:

12 (1) Comply with federal, State, or local laws.

13 (2) Comply with a civil, criminal, or regulatory  
14 inquiry, investigation, subpoena, or summons by federal,  
15 State, or local authorities.

16 (3) Cooperate with law enforcement agencies concerning  
17 conduct or activity that the business, service provider, or  
18 third party reasonably and in good faith believes may  
19 violate federal, State, or local law.

20 (4) Exercise or defend legal claims.

21 (5) Collect, use, retain, sell, or disclose consumer  
22 information that is deidentified or in the aggregate  
23 consumer information.

24 (6) Collect or sell a consumer's personal information  
25 if every aspect of that commercial conduct takes place

1 wholly outside of Illinois. For purposes of this Act,  
2 commercial conduct takes place wholly outside of Illinois  
3 if the business collected that information while the  
4 consumer was outside of Illinois, no part of the sale of  
5 the consumer's personal information occurred in Illinois,  
6 and no personal information collected while the consumer  
7 was in Illinois is sold. This paragraph shall not permit a  
8 business from storing, including on a device, personal  
9 information about a consumer when the consumer is in  
10 Illinois and then collecting that personal information  
11 when the consumer and stored personal information is  
12 outside of Illinois.

13 (b) The obligations imposed on businesses by Sections 20  
14 through 45 shall not: (i) apply where compliance by the  
15 business with this Act would violate an evidentiary privilege  
16 under Illinois law; and (ii) prevent a business from providing  
17 the personal information of a consumer to a person covered by  
18 an evidentiary privilege under Illinois law as part of a  
19 privileged communication.

20 (c) (1) This Act shall not apply to any of the following:

21 (A) Medical information protected from disclosure  
22 under State confidentiality laws on patient health  
23 information or protected health information that is  
24 collected by a covered entity or business associate  
25 governed by the privacy, security, and breach notification  
26 rules issued by the United States Department of Health and

1 Human Services, Parts 160 and 164 of Title 45 of the Code  
2 of Federal Regulations, established in accordance with the  
3 Health Insurance Portability and Accountability Act of  
4 1996 (Public Law 104-191) and the Health Information  
5 Technology for Economic and Clinical Health Act (Public Law  
6 111-5).

7 (B) A provider of health care governed by State  
8 confidentiality laws on patient health information or a  
9 covered entity governed by the privacy, security, and  
10 breach notification rules issued by the United States  
11 Department of Health and Human Services, Parts 160 and 164  
12 of Title 45 of the Code of Federal Regulations, established  
13 in accordance the Health Insurance Portability and  
14 Accountability Act of 1996 (Public Law 104-191), to the  
15 extent the provider or covered entity maintains patient  
16 information in the same manner as medical information or  
17 protected health information as described in subparagraph  
18 (A).

19 (C) Information collected as part of a clinical trial  
20 subject to the Federal Policy for the Protection of Human  
21 Subjects, also known as the Common Rule, in accordance with  
22 good clinical practice guidelines issued by the  
23 International Council for Harmonisation of Technical  
24 Requirements for Pharmaceuticals for Human Use or in  
25 accordance with human subject protection requirements of  
26 the United States Food and Drug Administration.

1 (2) As used in this Section:

2 "Medical information" means any individually identifiable  
3 information, in electronic or physical form, in possession of  
4 or derived from a provider of health care, health care service  
5 plan, pharmaceutical company, or contractor regarding a  
6 patient's medical history, mental or physical condition, or  
7 treatment. "Individually identifiable" means that the medical  
8 information includes or contains any element of personal  
9 identifying information sufficient to allow identification of  
10 the individual, such as the patient's name, address, electronic  
11 mail address, telephone number, or social security number, or  
12 other information that, alone or in combination with other  
13 publicly available information, reveals the individual's  
14 identity.

15 "Provider of health care" means any physician, hospital  
16 facility, facility licensed under the Nursing Home Care Act,  
17 long-term care facility as defined in Section 1-113 of the  
18 Nursing Home Care Act, or other person that is licensed or  
19 otherwise authorized to deliver health care services.

20 "Business associate", "covered entity", and "protected  
21 health information" have the meanings ascribed to those terms  
22 in Section 160.103 of Title 45 of the Code of Federal  
23 Regulations.

24 (d) This Act shall not apply to the sale of personal  
25 information to or from a consumer reporting agency if that  
26 information is to be reported in, or used to generate, a

1 consumer report as defined in subsection (d) of Section 1681a  
2 of Title 15 of the United States Code, and use of that  
3 information is limited by the federal Fair Credit Reporting Act  
4 (15 U.S.C. 1681 et seq.).

5 (e) This Act shall not apply to personal information  
6 collected, processed, sold, or disclosed in accordance with the  
7 federal Gramm-Leach-Bliley Act, Public Law 106-102, and  
8 implementing regulations, or the Illinois Banking Act. This  
9 subsection shall not apply to Section 55.

10 (f) This Act shall not apply to personal information  
11 collected, processed, sold, or disclosed in accordance with the  
12 Driver's Privacy Protection Act of 1994 (18 U.S.C. 2721 et  
13 seq.). This subsection shall not apply to Section 55.

14 (g) Notwithstanding a business's obligation to respond to  
15 and honor consumer rights requests in accordance with this Act:

16 (1) A time period for a business to respond to any  
17 verified consumer request may be extended by up to 90  
18 additional days where necessary, taking into account the  
19 complexity and number of the requests. The business shall  
20 inform the consumer of any such extension within 45 days of  
21 receipt of the request, together with the reasons for the  
22 delay.

23 (2) If the business does not take action on the request  
24 of the consumer, the business shall inform the consumer,  
25 without delay and at the latest within the time period  
26 permitted of response by this Section, of the reasons for

1 not taking action and any rights the consumer may have to  
2 appeal the decision to the business.

3 (3) If requests from a consumer are manifestly  
4 unfounded or excessive, in particular because of their  
5 repetitive character, a business may either charge a  
6 reasonable fee, taking into account the administrative  
7 costs of providing the information or communication or  
8 taking the action requested, or refuse to act on the  
9 request and notify the consumer of the reason for refusing  
10 the request. The business shall bear the burden of  
11 demonstrating that any verified consumer request is  
12 manifestly unfounded or excessive.

13 (h) A business that discloses personal information to a  
14 service provider shall not be liable under this Act if the  
15 service provider receiving the personal information uses it in  
16 violation of the restrictions set forth in this Act, provided  
17 that, at the time of disclosing the personal information, the  
18 business does not have actual knowledge, or reason to believe,  
19 that the service provider intends to commit such a violation. A  
20 service provider shall likewise not be liable under this Act  
21 for the obligations of a business for which it provides  
22 services as set forth in this Act.

23 (i) This Act shall not be construed to require a business  
24 to reidentify or otherwise link information that is not  
25 maintained in a manner that would be considered personal  
26 information.

1           (j) The rights afforded to consumers and the obligations  
2 imposed on the business in this Act shall not adversely affect  
3 the rights and freedoms of other consumers.

4           Section 55. Civil actions.

5           (a)(1) Any consumer whose unencrypted or unredacted  
6 personal information, as defined in Section 5 of the Personal  
7 Information Protection Act, is subject to an unauthorized  
8 access and exfiltration, theft, or disclosure as a result of  
9 the business's violation of the duty to implement and maintain  
10 reasonable security procedures and practices appropriate to  
11 the nature of the information to protect the personal  
12 information may institute a civil action for any of the  
13 following:

14                   (A) Recovery of damages in an amount not less than \$100  
15 and not greater than \$750 per consumer per incident or  
16 actual damages, whichever is greater.

17                   (B) Injunctive or declaratory relief.

18                   (C) Any other relief the court deems proper.

19           (2) In assessing the amount of statutory damages, the court  
20 shall consider any one or more of the relevant circumstances  
21 presented by any of the parties to the case, including, but not  
22 limited to, the nature and seriousness of the misconduct, the  
23 number of violations, the persistence of the misconduct, the  
24 length of time over which the misconduct occurred, the  
25 willfulness of the defendant's misconduct, and the defendant's

1 assets, liabilities, and net worth.

2 (b) Actions under this Section may be brought by a consumer  
3 if, prior to initiating any action against a business for  
4 statutory damages on an individual or class-wide basis, a  
5 consumer provides a business 30 days' written notice  
6 identifying the specific provisions of this Act the consumer  
7 alleges have been or are being violated. If a cure is possible,  
8 if within the 30 days the business actually cures the noticed  
9 violation and provides the consumer an express written  
10 statement that the violations have been cured and that no  
11 further violations shall occur, no action for individual  
12 statutory damages or class-wide statutory damages may be  
13 initiated against the business. No notice shall be required  
14 prior to an individual consumer initiating an action solely for  
15 actual pecuniary damages suffered as a result of the alleged  
16 violations of this Act. If a business continues to violate this  
17 Act in breach of the express written statement provided to the  
18 consumer under this Section, the consumer may initiate an  
19 action against the business to enforce the written statement  
20 and may pursue statutory damages for each breach of the express  
21 written statement, as well as any other violation of the title  
22 that postdates the written statement.

23 (c) The cause of action established by this Section shall  
24 apply only to violations as defined in subsection (a) and shall  
25 not be based on violations of any other Section of this Act.  
26 Nothing in this Act shall be interpreted to serve as the basis

1 for a private right of action under any other law. This shall  
2 not be construed to relieve any party from any duties or  
3 obligations imposed under other law or the United States or  
4 Illinois Constitution.

5 Section 60. Attorney General enforcement.

6 (a) Any business or third party may seek the opinion of the  
7 Attorney General for guidance on how to comply with the  
8 provisions of this Act.

9 (b) A business shall be in violation of this Act if it  
10 fails to cure any alleged violation within 30 days after being  
11 notified of alleged noncompliance. Any business, service  
12 provider, or other person that violates this Act shall be  
13 subject to an injunction and liable for a civil penalty of not  
14 more than \$2,500 for each violation or \$7,500 for each  
15 intentional violation, which shall be assessed and recovered in  
16 a civil action brought in the name of the people of the State  
17 of Illinois by the Attorney General. The civil penalties  
18 provided for in this Section shall be exclusively assessed and  
19 recovered in a civil action brought in the name of the people  
20 of the State of Illinois by the Attorney General.

21 (c) Any civil penalty assessed for a violation of this Act,  
22 and the proceeds of any settlement of an action brought under  
23 subsection (b), shall be deposited into the Consumer Privacy  
24 Fund, created under Section 65, with the intent to fully offset  
25 any costs incurred by the State courts and the Attorney General

1 in connection with this Act.

2 Section 65. Consumer Privacy Fund.

3 (a) The Consumer Privacy Fund is created as a special fund  
4 in the State treasury. The Fund shall consist of any moneys  
5 deposited into the Fund as provided in subsection (c) of  
6 Section 60 and any moneys appropriated to the Attorney General  
7 for the purposes of this Section from the General Revenue Fund.

8 (b) Moneys in the Consumer Privacy Fund shall be used,  
9 subject to appropriation, to offset any costs incurred by the  
10 State courts in connection with actions brought to enforce this  
11 Act and any costs incurred by the Attorney General in carrying  
12 out the Attorney General's duties under this Act and for no  
13 other purpose. All interest earned on moneys in the Fund shall  
14 be deposited into the Fund.

15 Section 70. Conflict of laws. The provisions of this Act  
16 are not limited to information collected electronically or over  
17 the Internet, but apply to the collection and sale of all  
18 personal information collected by a business from consumers.  
19 Wherever possible, law relating to consumers' personal  
20 information should be construed to harmonize with the  
21 provisions of this Act, but in the event of a conflict between  
22 other laws and the provisions of this Act, the provisions of  
23 the law that afford the greatest privacy protection for  
24 consumers shall control.

1 Section 80. Attorney General; rules.

2 (a) On or before July 1, 2021, the Attorney General shall  
3 solicit broad public participation and adopt rules to further  
4 the purposes of this Act, including, but not limited to, the  
5 following areas:

6 (1) Updating as needed additional categories of  
7 personal information to those enumerated in subsection (c)  
8 of Section 40 and subsection (o) of Section 5 in order to  
9 address changes in technology, data collection practices,  
10 obstacles to implementation, and privacy concerns.

11 (2) Updating as needed the definition of unique  
12 identifiers to address changes in technology, data  
13 collection, obstacles to implementation, and privacy  
14 concerns, and additional categories to the definition of  
15 designated methods for submitting requests to facilitate a  
16 consumer's ability to obtain information from a business in  
17 accordance with Section 40.

18 (3) Establishing any exceptions necessary to comply  
19 with State or federal law, including, but not limited to,  
20 those relating to trade secrets and intellectual property  
21 rights, within one year of the effective date of this Act  
22 and as needed thereafter.

23 (4) Establishing rules and procedures for the  
24 following:

25 (A) To facilitate and govern the submission of a

1 request by a consumer to opt out of the sale of  
2 personal information under Section 30.

3 (B) To govern business compliance with a  
4 consumer's opt-out request.

5 (C) For the development and use of a recognizable  
6 and uniform opt-out logo or button by all businesses to  
7 promote consumer awareness of the opportunity to opt  
8 out of the sale of personal information.

9 (5) Adjusting the monetary threshold in subparagraph  
10 (A) of paragraph (1) of subsection (c) of Section 5 in  
11 January of every odd-numbered year to reflect any increase  
12 in the Consumer Price Index.

13 (6) Establishing rules, procedures, and any exceptions  
14 necessary to ensure that the notices and information that  
15 businesses are required to provide in accordance with this  
16 Act are provided in a manner that may be easily understood  
17 by the average consumer, are accessible to consumers with  
18 disabilities, and are available in the language primarily  
19 used to interact with the consumer, including establishing  
20 rules and guidelines regarding financial incentive  
21 offerings, within one year after the effective date of this  
22 Act and as needed thereafter.

23 (7) Establishing rules and procedures to further the  
24 purposes of Sections 20 and 25 and to facilitate a  
25 consumer's or the consumer's authorized agent's ability to  
26 obtain information in accordance with Section 40, with the

1 goal of minimizing the administrative burden on consumers,  
2 taking into account available technology, security  
3 concerns, and the burden on the business, to govern a  
4 business's determination that a request for information  
5 received by a consumer is a verifiable consumer request,  
6 including treating a request submitted through a  
7 password-protected account maintained by the consumer with  
8 the business while the consumer is logged into the account  
9 as a verifiable consumer request and providing a mechanism  
10 for a consumer who does not maintain an account with the  
11 business to request information through the business's  
12 authentication of the consumer's identity, within one year  
13 after the effective date of this Act and as needed  
14 thereafter.

15 (b) The Attorney General may adopt additional regulations  
16 as necessary to further the purposes of this Act.

17 (c) The Attorney General shall not bring an enforcement  
18 action under this Act until 6 months after the publication of  
19 the final rules adopted in accordance with this Section or July  
20 1, 2021, whichever is sooner.

21 Section 85. Component parts of a single transaction. If a  
22 series of steps or transactions were component parts of a  
23 single transaction intended from the beginning to be taken with  
24 the intention of avoiding the reach of this Act, including the  
25 disclosure of information by a business to a third party in

1 order to avoid the definition of sell, a court shall disregard  
2 the intermediate steps or transactions for purposes of  
3 effectuating the purposes of this Act.

4 Section 90. Nonwaiver of Act. Any provision of a contract  
5 or agreement of any kind that purports to waive or limit in any  
6 way a consumer's rights under this Act, including, but not  
7 limited to, any right to a remedy or means of enforcement,  
8 shall be deemed contrary to public policy and shall be void and  
9 unenforceable. This Section shall not prevent a consumer from  
10 declining to request information from a business, declining to  
11 opt out of a business's sale of the consumer's personal  
12 information, or authorizing a business to sell the consumer's  
13 personal information after previously opting out.

14 Section 95. Construction. This Act shall be liberally  
15 construed to effectuate its purposes.

16 Section 100. Application. This Act is intended to  
17 supplement federal and State law, if permissible, but shall not  
18 apply if such application is preempted by, or in conflict with,  
19 federal law or the United States or Illinois Constitution.

20 Section 105. The State Finance Act is amended by adding  
21 Section 5.930 as follows:

1 (30 ILCS 105/5.930 new)

2 Sec. 5.930. The Consumer Privacy Fund.

1

INDEX

2

Statutes amended in order of appearance

3

New Act

4

30 ILCS 105/5.930 new